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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEKSANDR RADION,

Defendant and Appellant.

C053223

(Super. Ct. No.
05F06318)

Defendant Aleksandr Radion was found guilty by a jury of driving under the influence of alcohol causing injury (Veh. Code, § 23153, subd. (a) -- count one), driving with a .08 percent or higher blood alcohol level causing injury (Veh. Code, § 23153, subd. (b) -- count two) and hit and run driving involving an injury (Veh. Code, § 20001, subd. (a) -- count three). The jury also found that defendant had inflicted great bodily injury in the commission of these offenses (Pen. Code, § 12002.7, subd. (a)) and that he was driving with a suspended license (Veh. Code, § 14601.5, subd. (a) -- count four).

After trial but before sentencing, defendant entered into a plea agreement in an unrelated robbery case that encompassed sentencing for his convictions in the present matter.¹ Pursuant to the plea agreement, defendant received a stipulated term of 11 years four months in state prison for both cases. The sentence included nine years for the charge and enhancements in the unrelated matter, which was designated the principal term, plus two consecutive terms of eight months for counts one and three and a one-year consecutive term for the great bodily injury enhancement in the present matter. (See Pen. Code, § 1170.1, subd. (a) [subordinate term for consecutive sentence is computed as one-third the middle term plus one-third the term for enhancements to subordinate offense].) The sentence on count two was stayed pursuant to Penal Code section 654 and no additional time was imposed on count four.

The charges in this matter stem from an incident in which defendant, whose driver's license was suspended, drove his car through a red light and struck another car that was attempting to make a lawful left turn. Defendant fled on foot and was discovered hiding in a garage. He was transported to a hospital for treatment of injuries he sustained in the collision, at which time his blood was drawn to determine his sobriety. Defendant's blood alcohol concentration was determined to be .15 percent. As a result of the collision, the driver of the other

¹ Defendant has not filed an appeal in the unrelated matter.

car suffered a concussion, fractured ribs, a ruptured diaphragm, a ruptured kidney and a ruptured spleen that had to be removed.

Defendant appealed.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief setting forth the facts of the case and, pursuant to *People v. Wende* (1979) 25 Cal.3d 436, requesting the court to review the record and determine whether there are any arguable issues on appeal. Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

We have undertaken an independent examination of the entire record in this case and have found no arguable error that would result in a disposition more favorable to defendant.

An error appears on the abstract of the judgment that must be corrected. The defendant's first name is incorrectly spelled as "Aleksander." The correct spelling is "Aleksandr."

DISPOSITION

The judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect that defendant's first name is spelled "Aleksandr," not "Aleksander." The amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.

We concur: _____, Acting P.J.

_____, J.

_____, J.